IN THE HIGH COURT FOR THE STATES OF PUNJUAB AND HARYANA AT CHANDIGARH

CRL.R..NO.135 of 1995

DATE OF ORDER: 27.8.2007

Janak Singh ....Petitioner

Versus

The State of Punjab ....Respondent

CRL.R..NO.136 of 1995

Janak Singh ....Petitioner

Versus

The State of Punjab ....Respondent

and

CRL.R..NO.137 of 1995

Janak Singh ....Petitioner

Versus

The State of Punjab ....Respondent

CORAM: HON'BLE MR. JUSTICE A.N. JINDAL

Present: Mr. B.S. Bhasaur, Advocate for the petitioner.
Mr. A.S. Brar, DAG, Punjab.

A.N. JINDAL

This Judgment shall dispose of Criminal Revision No. 135,136 and 137 of 1995 arising out of the judgment dated 17.2.1995, passed by Additional Sessions Judge, Barnala.

The case relates to the embezzlement of Rs. 9363/- when he was a Cashier of the CASS Ltd. Dhaner. The said embezzlement came to light during the audit. Petitioner-accused was tried, convicted and sentenced for one year RI and fine of Rs. 1000/- by the Court of Sub Divisional Judicial Magistrate, Barnala vide its judgment dated 11.9.1993 and the appeal filed by him was also dismissed by Additional Sessions Judge, Barnala, vide its judgment dated 17.2.1995.

Arguments heard. Record perused.

The defalcation in the accounts resulted in embezzlement by

the petitioner as far as the details are concerned the same stand established from the testimony of Bhagwan Singh Inspector, Co-operative Socities.

learned counsel for the petitioner has only requested for extending some leniency on the quantum of sentence on the grounds that misappropriation relates to the period 18.12.1980,12.7.1982, 24.11.1982 and 27.1.1983. The accused is the first offender and he has already undergone about a month out of the substantive sentence.

Having perused the records of the case, I find that the offence was committed by the petitioner in the year 1982-83. He was convicted by the First Court on 11.9.1993, thereafter the appeal remained pending adjudication before First Appellate Court. Now, this petition is pending since 1995. Therefore, the ends of justice would be met if the petitioner is given one opportunity to reform himself. Admittedly he is the first offender, therefore, deserves the benefit of probation Under Section 4(1) of the probation of offenders Act, 1956.

Taking conspectus of the aforesaid circumstances, I hereby dismiss these revisions with the modification in the sentence giving benefit of probation to the petitioner under the Probation and Offender Act 1958. As such, petitioner shall be released on probation for a period of one year on filing bonds to the satisfaction of CJM, Barnala. He shall maintain peace and be of good behaviour and keep peace and in case of breach of conditions of the bond he will be ready to serve sentence as and when called for.

However, the petitioner is directed to deposit a sum of Rs. 9393/- with the Co-operative Society, Dhaner, within three months from the passing of this order, failing which these petitions shall be treated as dismissed.

Copy of the order be sent to the trial Court for intimation and compliance.

27.8.2007 (A.N. JINDAL)
rajeev JUDGE

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For order see, Crl. R. No. 135 of 1995.

27.8.2007 (A.N. JINDAL)
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IN THE HIGH COURT FOR THE STATES OF PUNJUAB AND HARYANA AT CHANDIGARH

CRL.R..NO.137 of 1995

DATE OF ORDER: 27.8.2007

Janak Singh ....Petitioner

Versus

The State of Punjab ....Respondent

CORAM: HON'BLE MR. JUSTICE A.N. JINDAL

Present: Mr. B.S. Bhasaur, Advocate for the petitioner.
Mr. A.S. Brar, DAG, Punjab.

A.N. JINDAL

For order see, Crl. No. 135 of 1995.

27.8.2007 (A.N. JINDAL)
rajeev JUDGE